



# CITY OF NEW ORLEANS

## CITY PLANNING COMMISSION

### Request for Change of Non-Conforming Use

#### **Definition of “Non-Conforming Use”**

A non-conforming use is a use of land or building that does not conform to the use regulations of the underlying zoning district. For example an industrial use in a commercial zoning district, or a commercial use in a residential district. The Comprehensive Zoning Ordinance (CZO) provides for the enforcement of non-conforming use regulations and the removal of certain non-conforming uses as follows:

- A non-conforming use may be changed to another non-conforming use of the same or more restrictive classification.
- A non-conforming use that remains vacant for a continuous period of six (6) months may only be utilized for those uses permitted in the underlying zoning district.

#### **Process to request a Change in Non-Conforming Use:**

*Step 1* – Request a “Letter of Verification” from the Department of Safety & Permits (Room 7E05). This letter confirms that a legal non-conforming use has been operating on the premises within the prior six (6) month period. If the Department of Safety & Permits cannot verify the legal, non-conforming status you cannot use this request form.

*Step 2* – Submit a “Change of Non-Conforming Use Request Letter” to the Clerk of Council (Room 1E09). This letter should be addressed as follows:

Ms. Peggy Lewis, Clerk of Council  
City Hall, Room 1E09  
1300 Perdido Street  
New Orleans, LA 70112

If the Clerk of Council does not receive a Request Letter, your request will not be placed on the Council’s agenda. The Request Letter should include the following information:

- Street address of the property
- Name and address of the applicant
- Description of the building, including number of floors, number of off-street parking spaces, landscaping and setbacks
- Background information on the previous use, including years in operation and square footage of the use
- Proposal for new use, including hours of operation, square footage, improvements to the structure, number of employees, method of waste disposal, delivery schedules and the nature of the business

*Step 3* – Submit a copy of the Request Letter to the City Planning Commission (1340 Poydras Street Suite 900) along with the following items:

- Letter of Verification (Routing Form)
- Fee of \$500 (Payable with check or money order to “City of New Orleans”)
- Floor plan of the proposed new use
- Site plan showing parking, fencing, sidewalks, etc.
- Proposed signage

Within thirty (30) days of receipt of all of the above information, the Executive Director of the City Planning Commission will submit to the City Council a written report on the application that includes a recommendation.



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*Step 4 –* Upon receipt of the recommendation of the City Planning Commission, the City Council shall conduct a public hearing regarding the petition. The action of the City Council will either: *approve, deny or modify* the request for Change of Non-Conforming Use and will be done by Motion.

The City Council shall only approve the application upon determining that the proposed use is:

- a. An existing legal non-conforming use;
- b. Not more intense than the previous use;
- c. Consistent with the neighborhood in which it is located; and
- d. Providing a needed service for the neighborhood.

*Step 5 –* Within thirty (30) days of Adoption of a Motion to Approve by the City Council, the applicant may proceed to the Department of Safety & Permits with the submitted floor plans and a copy of the Motion to authorize the use and to apply for permit(s) through the regular permitting process.

**To be completed by the Department of Safety & Permits**

Business Address: \_\_\_\_\_

Date Address Verified: \_\_\_\_\_

Last Known Legal Use: \_\_\_\_\_

Legal Conforming: \_\_\_\_\_

Dates of Operation: From: \_\_\_\_/\_\_\_\_/\_\_\_\_ To: \_\_\_\_/\_\_\_\_/\_\_\_\_

Legal Non-Conforming: \_\_\_\_\_

Moratoria: \_\_\_\_\_

Design Review District: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Square: \_\_\_\_\_

Historic District: \_\_\_\_\_

ZBM: \_\_\_\_\_

Title Restriction, Court Actions, BZA Actions or other restrictions affecting the proposed project:

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Safety & Permits Contact Person: \_\_\_\_\_

Signature of Zoning Administrator: \_\_\_\_\_